

cause, by the American Life Insurance Company, and John H. B. Latrobe, surviving trustee of Joseph Thornburg, deceased, alleging that the petitioners were creditors of the said Macauley to a very large amount, the two claims amounting to \$65,000, and constituting the greater part of the entire indebtedness of said Macauley. That each of said claims was in part secured by mortgages, long since due, upon the estate called "*Mondawmin*." That each of said mortgages contains provisions for a decree under the act of 1833, though that act is inoperative, as respects "*Mondawmin*," which is situated outside the limits of the city of Baltimore. That Mr. Latrobe, the solicitor of the petitioners, had determined to institute proceedings for a decree upon the said claims after the death of Mr. Macauley, but, from motives of delicacy, waited some time after that event, before taking steps in the matter. That shortly before the filing of this bill, he conversed with Mr. Webster, one of the trustees, in reference to said mortgages, and proposed that the sale should be made jointly, by trustees representing respectively the creditors and the family, and suggested himself and Mr. Speed for that purpose. That on the 20th of August, he again talked with Mr. Webster upon the same subject, and heard nothing from him in either conversation, of proceedings having been already instituted for a sale of the property: and that said solicitor first learnt that such was the case, at a time when it was too late to prevent the passage of the decree. They charged that the passage of said decree was altogether a surprise upon them, and that by reason of the great amount of their interest in the proceeds of sale, they are entitled to be heard in reference to the selection of the trustees to make sales. And disclaiming all personal objection to the present trustees, they pray that Mr. Latrobe may be associated with the said trustees, and that the decree may be opened for that purpose.

On the 28th of August, the trustees filed answers to this petition. They admit the indebtedness of Macauley's estate to the petitioners, and the facts in reference to the mortgages. They state that Mr. Webster, in his interviews with Mr. La-